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09/657,519	09/08/2000	Marco Bottazzi	3572-21	1677

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/657,519

Applicant(s)

BOTTAZZI ET AL.

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☒ Claim(s) 1,5,20 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 20 are objected to because of the following informalities: It appears that the last four lines appear grammatically awkward. It is suggested that the wording starting in the fourth line from the bottom read as follows;

“and wherein the said plurality cradles houses a substantially flat portion of said housing provided in close proximity of the customer identification means so as to allow access to said plurality of terminals.”

Appropriate correction is required.

2. Claim 5 is objected to because of the following informalities: co-operate appears to be better written as “cooperate”.

Appropriate correction is required.

3. Claim 42 is objected to because of the following informalities: The word “selecting” appears to be better as “selectively”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by "visual communication means in the proximity of each cradle of said plurality of cradles".

Also, it is unclear how terminal lifting means provided into each cradle of said plurality of cradles" communicates. Its action is to lift the terminal.

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is unclear because it provides for four separate possible combinations.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the phrase "a terminal support element arranged outside a projection of the first aperture."

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziarno (US 5,696,366). Ziarno et al discloses the following.

As described in Claims 1, 19, 20, 25, 31, 35 and 36;

1. a plurality of cradles (see element (1999) and col. 30, lines 47-53) for a corresponding plurality of portable terminals (100) adapted to be withdrawn and used by the customers of the shopping center for product data acquisition (words after the word adapted are not given patentable weight, but that such terminals could be recognized by one ordinarily skilled in the art as being able to be used for such customers);
2. means for identifying each customer enabled to use the portable terminals (see col. 32, lines 63-67 and 33, lines 1-2);
3. means for communicating to each identified customer a terminal to be withdrawn from the dispensing device for the product data acquisition; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines 11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)
4. a data control and processing unit ((903) (see figures 1a and 4), (120) (see figure 2) or (3397) (see figure 23)) adapted to control the identifying means and the communicating means and for processing the product data acquired through said terminals; (Again, note that the adapted to language has no patentable weight, but that nevertheless, the system of Ziarno discloses control of identification means, such as card

reader (307), and processes the data in a variety of ways, such as tabulation of gifts.)

5. said plurality of cradles, said identifying means, said communication means, and said control unit are housed in a single housing (see col. 30, lines 47-53);

6. and wherein the said plurality of cradles are housed in a substantially flat portion of said housing provided in close proximity of the customer identification means so as to allow access to said plurality of terminals (see figure 1, element (100, for example);

As described in Claim 2;

7. said portion for housing said terminals is substantially horizontal (see figure 1);

As described in Claim 3;

8. said portion of housing said terminals comprises a box-shaped body including a plurality of compartments constituting said plurality of terminal cradles; (Note that although element (100) is cylindrical, it is a functional equivalent of a box and that figures 6 and 9 disclose more box-like structures.)

As described in Claims 4 and 41;

9. each compartment of said plurality of compartments is adapted to house a terminal of said plurality of terminals and comprises

locking/unlocking means of the terminal housed therein (see col. 31, lines 47-54);

As described in Claim 5;

10. said box-shaped body comprises first electrical connectors adapted to cooperate with second electrical connectors provided on the terminals (see col. 30, lines 63-67 and col. 31, lines 1-8);

As described in Claims 6 and 36;

11. each compartment of said plurality of compartments comprises;
- a. a first upper aperture for inserting the terminal, wherein a vertical axis and a terminal insertion axis inclined by a predetermined angle with respect to the vertical axis are defined;
  - b. a second lower service aperture below the first aperture;
  - c. means for guiding the terminal into the compartment;

(Note that this is considered to be obvious to one skilled in the art.

Danielson et al (US 5,805,474) discloses such a port structure at figure 9, for example. Koenck et al (US 5,469,948) discloses another port structure also having first and second apertures. It would have been expedient for one ordinarily skilled in the art to use such a structure as well as a matter of design choice as to what port structure to use based upon the requirements of the design of the portable terminal. Note also the motivation described in Ziarno at col. 30, lines 63-67 and col. 31, lines 1-8)

As described in Claim 7;

12. said second aperture has a size larger than that of said first aperture (see Danielson, for example);

As described in Claim 8;

13. each said compartment of said plurality of compartments comprises a terminal support element arranged outside a projection of the first aperture along the vertical axis (see Danielson, figure 9, noting that if element (132) is a first aperture, the rest of the housing (165) can be construed to be a terminal support element);

As described in Claim 9;

14. said terminal support element comprises opposed guiding walls inclined at said predetermined angle with respect to said vertical axis (note that Danielson in figure 9 illustrates such opposing wall structure (121 and 144);

15. one of said walls comprises a support step for contacting a lower end of the terminal (see Danielson, noting that (123) is a support step that contacts the terminal);

16. the support step being arranged outside the projection of the first aperture along the vertical axis (note Danielson, (123) which appears to fit this criterion in that if surface (132) were projected vertically, element (123) appears to slop away from the projection);

As described in Claim 10;



17. said box-shaped body comprises a covering surface provided with a plurality of holes at said first terminal insertion apertures (see Ziarno, figure 5, for example);

As described in Claim 11;

18. means for moving the housing (note that official notice is taken that it is well-known in the art to make a stationary item portable by placing wheels on such a structure);

As described in Claim 12;

19. the customer identifying means comprises at least any one of the following means;

magnetic card reader, smart card reader, bar code reader, optical receiver, radio or mobile phone receiver, a fingerprint reader, fingerprint or retina detector, a device for entering a numerical code, or a voice detector (note Ziarno, col. 23, lines 33-36, for example);

As described in Claims 13 and 42;

20. the means for communicating to identified customers the terminals to be withdrawn comprises at least any one of the following means;

visual communication means on a display or monitor, visual communication means in the proximity of each cradle of said plurality of cradles, sound or voice communication means, terminal lifting means, terminal lifting means provided into each cradle of said plurality of cradles; (See col. 32, lines 40-54, noting that such means appears to include

manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines 11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)

20a. each compartment has a terminal lifting mechanism for selectively lifting the terminal allocated to the entitled customer relative to the compartment (note that it would be expedient for one ordinarily skilled in the art to provide a spring, relay or other mechanism and that lifting the device by hand is a functional equivalent);

As described in Claims 14 or 33;

21. the communicating means provides one of marketing information, promotional information and a discount voucher (note that figure 21a of Ziarno, for example);

As described in Claim 15;

22. data transmission and/or reception means to and from optical and/or radio-type terminals (see col. 10, lines 38-45);

As described in Claim 16;

23. said housing comprises a charge/discharge circuit for batteries of the terminals (7778);

As described in Claims 17 and 40;

24. said compartment comprises at least one sensor for indicating presence and/or correct arrangement of the terminal into the compartment

(note col. 31, lines 47-54, noting that if the pins are not correctly locked, then the system will recognize the connection as being broken or unbroken);

As described in Claim 18;

25. said housing comprises means for printing one of ticket, marketing or promotional information and a discount voucher (note that figure 21a of Ziarno, for example);

As described in Claims 21 and 26;

26. said control station is in remote position with respect to said at least one terminal dispenser (see figures 1 or 23, for example);

26a. said means for downloading the product data is provided in remote position with respect to the terminal dispenser (see figure 23, for example);

As described in Claims 22-23 or 32;

27. said connection network is a wireless local network;

28. said connection network is a geographic network;

(Note that these are functional equivalents of each other and that Ziarno discloses connection to a network at col. 29, line 67 and col. 30, lines 1 and 2)

As described in Claim 24;

29. means for downloading the product data acquired through the terminals (computer (3397), for example);

30. means for computing, as a function of the acquired data, an amount to be paid (see col. 17, liens 14 and 15, which tallies a number of monetary contributions, of which calculating a total can be construed as computing an amount to be paid);

As described in Claims 28 and 34;

31. a means to charge an amount to be paid directly to a bank account of the customer (note debit card (150) in col. 17, lines 22-26);

32. said means for charging the amount to be paid is controlled by the terminal (note that tallier routine (S480) is run by the processor of the system);

As described in Claim 29;

32. wherein at least a portion of the terminals used for acquiring the product data is dispensed to the customers for personal use (note that a donator/customer could be construed to be using the portable terminal of Ziarno for personal use to personally contribute money or gifts to entities);

As described in Claim 30;

33. wherein at least a portion of the terminals used for acquiring the product data belongs to the customers (note that it would be expedient for one ordinarily skilled in the art to allow a customer a part ownership in a terminal);

As described in Claim 37;

34. a compartment further wall which is opposed to the compartment first wall (see Danielson, per prior discussion);

As described in Claim 38;

35. each compartment has a lower service aperture situated beneath the upper aperture (See Danielson, for example, which shows that surface (132) resides above a lower surface, each of which can be construed to define in part an individual service aperture);

As described in Claim 39;

36. the support step has a first electrical connector thereon for mating with a second electrical connector on the terminal (see Danielson, for example or Ziarno, which necessarily have an electrical connector on the docking station which connects with a second connector residing on the portable terminal);

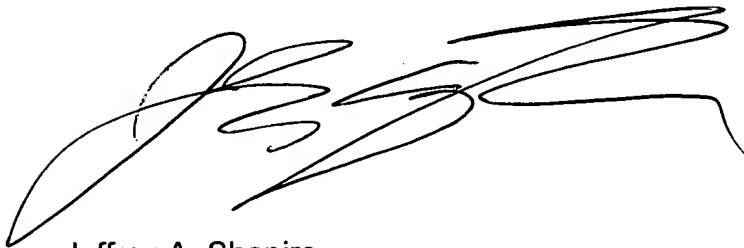
As described in Claim 43;

37. wherein when contacting the support step, two thirds of a longest aspect of the terminal along the predetermined angle extends out of the compartment (note that it would be a matter of design choice as to how much of the terminal to be exposed outside the docking port, based upon the requirements of the particular portable terminal and docking port requirements);


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703)306-4195 for regular communications and (703)306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



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